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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,181

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Perry L. Johnson

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER

GOTTSCHALK, MARTIN A

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

04/05/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,181	Applicant(s) JOHNSON, PERRY L.	
	Examiner MARTIN A. GOTTSCHALK	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. Claim 17 has been examined. Claims 1-16 are cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/2009 has been entered.

Response to Arguments

3. Applicant's arguments filed 11/19/2009 have been fully considered but they are not persuasive. Applicant arguments apply to the features added by amendment, in particular, that the invention relates to "accreditation." See the citations and explanations provided for this feature in the rejection of claim 17 below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3693

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US PG Pub# 2002/0138377).

As per claim 17, Weber teaches a system for initiating a witness audit comprising:

one or more computers configured (Weber: Fig 1)) to

periodically receive input specifying a query to a central database storing information representing a plurality of available audits (Weber: [0052]; Fig 10) required to obtain or maintain an accreditation, each of the queries based on requirements of the witness audit including at least one of, SIC code and accreditation type (Weber: [0006]; [0008]; [0045]-[0046]; [0074], note that a purpose of the disclosure is to satisfy occupational regulations such as those put forth by OSHA, i.e. a form of accreditation type. The

Examiner notes that it is well known that in many instances, OSHA provides accreditation or certification that an entity is in compliance with its regulations. See the cited but not applied prior art below for examples of same. Note further that Applicant's specification on page 8 provides similar teachings.);

for each of the queries, provide a list of the available audits responsive to the query (Weber: [0053]-[0054]; [0056]; [0073]-[0082], note the plurality of reports associated with queries reporting both individual employee results and aggregate results. The Examiner considers a report of individual employee audits to be a type of list of available audits responsive to the query);

display one or more scheduled dates for a selected audit (Weber: [0056]; [0061]; [0073]-[0082]);

receive input representing a confirmation of the one or more scheduled dates for the selected audit (Weber: [0059]; [0061], e.g. "end date"; [0073]);

and

store the confirmation in a corresponding field of the central database
(Weber: [0059]).

The Examiner considers the feature added by amendment reciting, "required to obtain or maintain an accreditation," to be a recitation of intended use of the claimed system. Since the applied Weber reference contains all of the claimed system elements and would be capable of performing this intended use of the claimed system, this feature will be given little patentable weight.

Although Weber does not specifically use the term "accreditation" to describe the purpose of the disclosed audits, the Examiner notes that it is well known to demonstrate compliance with OSHA regulations using audits (such as the ones described in Weber) to support attainment of OSHA accreditation with respect to a particular group of regulations, for example those concerning industrial safety (Weber: [0003]).

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that Weber was teaching a system that was directed to managing audits, where the audits could be used for attaining or maintaining accreditation - for example, accreditation by certain government agencies such as OSHA or FDA (Weber: [0006], even though the term "accreditation" is not explicitly used in the Weber reference.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teach uses for systems associated with safety and quality accreditation. Note for instance, reference US PG Pub# 2003/0097271, Rentz: [0034]; Fig 6.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN A. GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/M. A. G./
Examiner, Art Unit 3693

/JAMES A. KRAMER/
Supervisory Patent Examiner, Art Unit 3693